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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,171	07/28/2003	Annette C. Grot	10004269-1	5594

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

DOAN, JENNIFER

ART UNIT PAPER NUMBER

2874

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,171	Applicant(s) GROT ET AL.	
	Examiner Jennifer Doan	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 11, 13-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9, 10, 12, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings, filed on July 28, 2003, are accepted.

Specification

2. Claim 3 is objected to because of the following informalities:

Claim 3, line 1, "claim 3" should be changed to "claim 2".

Claim 6, line 3, "a index" should be changed to "an index".

Appropriate correction is required.

Applicants' cooperation is requested in correcting any other errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8, 11, 13-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura et al. (U.S. Patent 5,854,868).

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With respect to claims 1, 2 and 11, Yoshimura et al. (figures 1A, 5A and 5B) disclose a method and an apparatus of an optical waveguide device comprising a first optical waveguide having a first end (see figure 1A); a second optical waveguide having a first end, the first ends of the waveguides being separated by a gap (figure 1A); and an optical coupler extending across the gap between the first ends of the waveguides, the optical coupler comprising material including a waveguide region, the waveguide region having a shape defined by overlapping cones of light emitted from the first ends of the optical waveguides into the material (figure 5B and column 5, lines 34-42); wherein the material has a refractive index capable of being increased by exposing the material to light of a particular wavelength or wavelength band (column 3, lines 62-66).

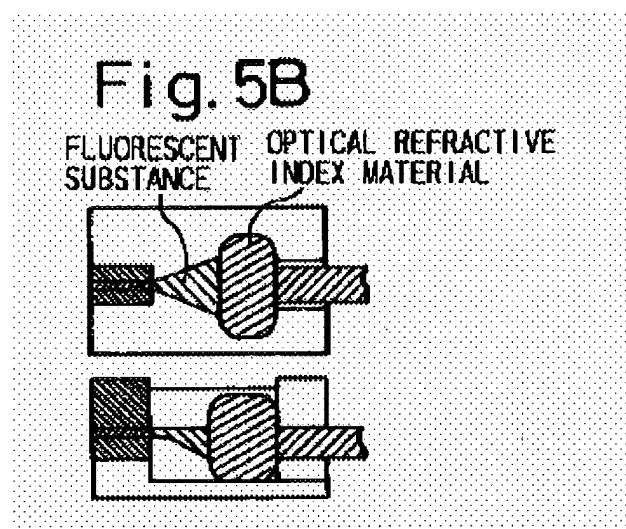
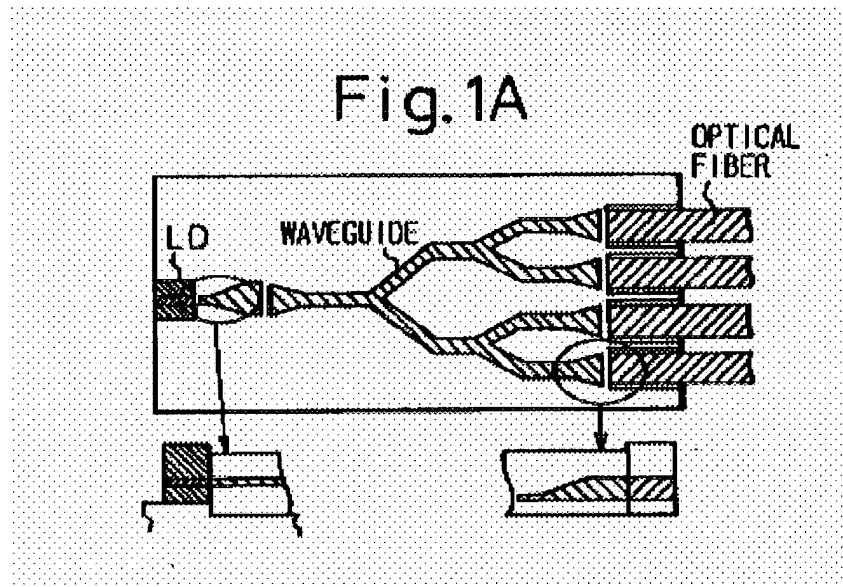
With respect to claims 3 and 15, Yoshimura et al. (figure 5B) disclose a method and an apparatus of an optical waveguide device, wherein exposing the material to the light of a particular wavelength or wavelength band causes the material to undergo cross-linking.

With respect to claims 8 and 18, Yoshimura et al. (column 5, lines 35-40) disclose a method and an apparatus of an optical waveguide device, wherein the first and second optical waveguides each comprise an optical fiber.

With respect to claims 13 and 14, Yoshimura et al. (column 5, lines 35-46) disclose a method for aligning optical waveguides, wherein the exposing

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comprises propagating incoherent light of the same wavelength through both optical waveguides and propagating light of different wavelength through each of the optical waveguides.



Allowable Subject Matter

5. Claims 4-7, 9, 10, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose or reasonably suggest a method and an apparatus of an optical waveguide device, wherein the material undergoes cross-linking by one-photon absorption as recited in claims 4 and 16; wherein the material undergoes cross-linking by two-photon absorption as recited in claims 5 and 17; wherein the first and second optical waveguides each comprise a core surrounded by a cladding, the cladding having an index of refraction and in the waveguide region, the material has a refractive index of the cladding of the optical waveguides as recited in claims 6 and 7; further the waveguide region is surrounded by a solid form of the material having a refractive index less than the first refractive index as recited in claim 9; wherein the waveguide region is surrounded by a liquid form of the material having a refractive index less than the first refractive index as recited in claim 10; and further wherein comprising uniformly exposing the material to light of an intensity in the region as recited in claim 12.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ikarashi et al. (U.S. 2003/0223692) disclose optical parts

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coupling structure having overlapping cones of light emitted from the first ends of optical waveguides (figure 4C).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Doan
Patent Examiner
March 30, 2005